



CWP-3968-2025

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

127

CWP-3968-2025

Date of decision: 17.02.2025

JASHANPREET SINGH**....PETITIONER****Vs.****STATE OF PUNJAB AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 28.01.2025 (Annexure P-15) passed by respondents and direction to appoint him as Constable in Punjab Police.

2. The petitioner pursuant to advertisement dated 31.01.2023 (Annexure P-1) applied for the post of Constable in Punjab Police under the category of S.C. (Mazhabi Sikh and Balmiki). He appeared in the written test and secured marks more than last selected candidate. He was eligible for the post. The respondent conducted police verification wherein it was found that FIR No.0006 dated 20.01.2024 under Sections 341, 323, 506, 148 and 149 IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib is pending against him. The said FIR is still pending.

3. Mr. Pardeep Singh Mirpur, Advocate submits that petitioner cannot be denied service on account of pendency of aforementioned FIR. The respondents



should permit him to join. Mere pendency of FIR cannot be the ground of denial of job opportunity.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service.

6. With the consent of both sides, the matter is taken up for final disposal.

7. Mr. Aman Dhir, DAG, Punjab relying upon Clause 12.2 of the advertisement submits that on account of pending FIR, petitioner cannot be considered for the post.

8. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

9. The petitioner pursuant to advertisement, applied for the post of Constable and in the advertisement, there is specific Clause adverting to character and antecedent verification. The said Clause is reproduced as below:-

“12.2 CHARACTER AND ANTECEDENT VERIFICATION

- (a) *The verification of character and antecedents of all the selected candidates shall be undertaken as prescribed under the relevant law/rules/govt. instructions in this regard by following the prescribed procedures, by the concerned appointing authority.*
- (b) *The selection of the candidate shall be subject to the verification of his/her antecedents, and if anything adverse is found against the candidate during the verification, his/her candidature shall be summarily rejected and no claim, whatsoever, shall be entertained in this regard thereafter.”*



10. The petitioner concededly is facing criminal proceedings. It is not the case of petitioner that proceedings stood completed prior to participating in the selection process whereas FIR was registered during the pendency of selection process and is still pending. The petitioner is claiming that there is no allegation of moral turpitude, thus, he could not be denied opportunity of job, despite pending FIR.

The petitioner is not implicated in a trivial offence whereas he is implicated in offence under Sections 323, 341 and 506 IPC where punishment prescribed is not mere fine or of few months. The criminal proceedings against the petitioner are still pending and he has applied for a post in police force where integrity and discipline are of paramount consideration.

11. In the wake of pending FIR and terms & conditions of the advertisement, this Court does not find it appropriate to direct the respondents to issue appointment letter to the petitioner.

12. Dismissed.

17.02.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No